



**STATE OF DELAWARE
PUBLIC SERVICE COMMISSION**

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August 28, 2013

MEMORANDUM

TO: The Chair and Members of the Commission
FROM: Malika Davis, Public Utility Analyst *MD*
SUBJECT: IN THE MATTER OF THE APPLICATION OF AVION ENERGY GROUP, LLC FOR A
CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE
(FILED AUGUST 19, 2013) - PSC DOCKET No. 13-338

On August 19, 2013, Avion Energy Group, LLC ("Avion," or the "Company") filed an application (the "Application") with the Delaware Public Service Commission ("Commission") for an Electric Supplier Certificate ("ESC") to act as a Broker in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 Del. C. §1001 - §1020 (the "Act") and, 26 Del. Admin. C. §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").¹

Avion is a limited liability company formed under the laws of Georgia and has provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware. The Company consents to the jurisdiction of the Delaware courts. Avion anticipates acting as a Broker for the sale of electricity throughout the State of Delaware serving commercial customers. The Company affirms in its filing that it will only present electricity supply contracts to its customers from Marketers/Electric Suppliers who are in compliance with all applicable PJM requirements. The Company did not post a surety bond because it is a Broker only and there are no service agreements between the Company and any Delaware Electric Distribution Company. The Company will not collect any fees or deposits from any of its customers for any of its brokerage services. The Company also did not provide any sample contracts for Residential or Small Commercial Customers because it is a Broker only and does not and will not have contracts with Retail Electric Customers to provide Electric Supply Service.

Based on Staff's review of the Application, Avion has satisfied the requirements of the Act and the Supplier Rules. Thus, Staff recommends the Commission approve the Application.

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.